

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:

BIG LOTS INC., et al.,

Debtors.

Bankruptcy Case No. 24-11967 (JKS)
(Jointly Administered)

THE MARKETING GROUP, *et al.*,

Appellants,

Civil Action No. 1:25-cv-80-GBW

v.

BIG LOTS INC., *et al.*,

Appellees.

MOTION FOR VOLUNTARY DISMISSAL OF APPEAL

Appellants The Marketing Group and Sensational Brands (collectively, the “*Administrative Claimants*”), by and through undersigned counsel, hereby moves to voluntarily dismiss this appeal, and states as follows:

1. On January 16, 2025, the Administrative Claimants filed their *Notice of Appeal of Certain Administrative Claimants* [D.I. 1750] (the “*Notice of Appeal*”) in Bankruptcy Case No. 24-11967 (JKS) (the “*Big Lots Bankruptcy Case*”) to initiate an appeal of the (i) *Order (I) Approving the Asset Purchase Agreement, (II) Authorizing and Approving the Sale of Certain of the Debtors’ Assets Free and Clear of All Claims, Liens, Rights, Interests, Encumbrances, and Other Assumed Liabilities and Permitted Encumbrances, (III) Authorizing and Approving the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and (IV) Granting Related Relief* [D.I. 1556] entered on January 2, 2025 in the Big Lots Bankruptcy Case; and (ii) *Order Shortening Notice of Motion of Debtors for Entry of An Order (I) Approving Sale of Debtors’ Assets Free and Clear of Liens, Claims, Interests, and Encumbrances,*

(II) Authorizing the Debtors to Enter Into and Perform Under the GBRP APA, (III) Authorizing Assumption and Assignment of Executory Contracts and Unexpired Leases, and (IV) Granting Related Relief [D.I. 1449] (collectively, the “Orders”) entered on December 27, 2024 in the Big Lots Bankruptcy Case.

2. On January 22, 2025, the Clerk of this Court filed a *Notice of Docketing* in the Big Lots Bankruptcy Case [D.I. 1814], providing notice that the Notice of Appeal was docketed in the United States District Court for the District of Delaware on January 17, 2025.

3. On January 23, 2025, counsel for Gordon Brothers Retail Partners, LLC (“GBRP”) filed a *Notice of Appearance* [Docket No. 3]; and on January 31, 2025, counsel for the Official Committee of Unsecured Creditors filed a *Notice of Appearance* [Docket No. 4]. On February 14, 2025, counsel for GBRP filed a *Motion to Intervene in Appeal* [Docket No. 5]. No action has been taken on the Motion to Intervene, and no other action has been taken by any other party in the appeal.

4. The Administrative Claimants no longer seek to appeal the Orders. Accordingly, pursuant to Rule 8023(b) of the Bankruptcy Rules, the Administrative Claimants hereby voluntarily move for dismissal of this appeal.

WHEREFORE, the Administrative Claimants respectfully request that the Court enter an order dismissing this appeal in accordance with Rule 8023(b) of the Bankruptcy Rules, and grant the Administrative Claimants such other relief as is just and proper.

Dated: February 21, 2025
Wilmington, DE

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Appellees.

ORDER GRANTING MOTION FOR VOLUNTARY DISMISSAL OF APPEAL

This matter comes before this Court on the *Motion for Voluntary Dismissal of Appeal* (the “*Motion*”) filed by appellants The Marketing Group and Sensational Brands (collectively, the “*Administrative Claimants*”), and the Court having reviewed the Motion, and being duly advised in the premises, finds that the Motion should be, and hereby is, GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above-captioned appeal of the Administrative Claimants regarding the (i) *Order (I) Approving the Asset Purchase Agreement, (II) Authorizing and Approving the Sale of Certain of the Debtors’ Assets Free and Clear of All Claims, Liens, Rights, Interests, Encumbrances, and Other Assumed Liabilities and Permitted Encumbrances, (III) Authorizing and Approving the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and (IV) Granting Related Relief* entered on January 2, 2025 in Bankruptcy Case No. 24-11967 (JKS); and (ii) *Order Shortening Notice of Motion of Debtors for Entry of An Order (I) Approving Sale of Debtors’ Assets Free and Clear of Liens, Claims, Interests, and Encumbrances, (II) Authorizing the Debtors to Enter Into and*

Perform Under the GBRP APA, (III) Authorizing Assumption and Assignment of Executory Contracts and Unexpired Leases, and (IV) Granting Related Relief entered on December 27, 2024 in Bankruptcy Case No. 24-11967 (JKS) is dismissed, without prejudice.

SO ORDEERED this _____ day of _____, 2025.

United States District Court Judge